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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

HUMAN RIGHTS QUESTIONS

Letter dated 26 November 1991 from the Permanent Representatives
of Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal and
Vanuatu to the United Nations addressed to the Secretary-General

We, the Permanent Representatives of Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Vanuatu would like to bring to your attention the reports of Amnesty International entitled "East Timor - The Santa Cruz Massacre" and "East Timor - After the Massacre", related to the human rights situation in that Territory, dated respectively 14 and 21 November 1991 (see annexes I and II).

We request that the present letter and its annexes be published as an official document of the General Assembly, under agenda items 19 and 98.

(Signed) Afonso VAN-DUNEM "MBINDA"
Permanent Representative of the
People's Republic of Angola to
the United Nations

(Signed) José Luis JESUS
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ANNEX I*

amnesty international

EAST TIMOR

The Santa Cruz Massacre



14 November 1991
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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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EAST TIMOR

The Santa Cruz Massacre

Introduction

Between 50 and 100 people were killed and scores were wounded when Indonesian security forces opened fire on a group of mourners at Santa Cruz cemetery in Dili, East Timor on 12 November 1991. Dozens of others, including two foreign journalists, were beaten during the incident. At least 42 people, and possibly many more, have been detained. The victims were among hundreds of people who had gone to the grave of Sebastiao (Gomes) Rangel, a young man killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding.

Indonesian military authorities have expressed regret at the deaths and have promised to investigate the incident. However, they have attempted to justify the massacre by claiming that security forces had used force when attacked by "rioters". Eyewitnesses have stated categorically that the procession was peaceful and that the soldiers opened fire without warning and without provocation.

Amnesty International is calling for an immediate and impartial investigation into the circumstances of the massacre at Santa Cruz, and for guarantees that those responsible for extrajudicial executions or for the ill-treatment of prisoners will be brought promptly to justice. It believes that investigations must be carried out by an independent body with no link to the security forces allegedly responsible for the massacre. It urges the Indonesian authorities to permit an investigation to be carried out under the auspices of a recognized international body, such as the United Nations Special Rapporteur on Summary or Arbitrary Executions. Amnesty International is also seriously concerned for the safety of those arrested and is urging that those detained solely for their non-violent political activities or beliefs be immediately released and that, following their release, their safety be guaranteed.

Santa Cruz Massacre

The Massacre

The following account is based on information available on 14 November 1991 from a variety of sources, including a number of eyewitnesses and statements by Indonesian government and military authorities.

The massacre took place at the Santa Cruz cemetery in Dili at about 8 am on 12 November. The victims were among several hundred people who had joined a procession to the cemetery following an early morning memorial mass for Sebastiao (Gomes) Rangel, reportedly killed by Indonesian security forces on 28 October at the parish church of Motael. Eyewitnesses said that the procession was peaceful although some members of the group had shouted pro-independence slogans and a flag of the nationalist movement Fretilin had been seen.

Security forces, many of them carrying long sticks or truncheons, were in evidence along the route to the cemetery. However, with the exception of a brief scuffle between soldiers and young men at the tail-end of the procession, no clashes or physical confrontations were reported by non-governmental sources. According to one eyewitness account, a scuffle began near the Hotel Resende when a small number of soldiers ran after members of the procession and beat them with truncheons. The marchers retaliated by throwing stones, and shouting, but no injuries were reported. There were also reports that a separate group had gone to the Hotel Turismo where the UN Special Rapporteur on Torture was staying, but finding the hotel surrounded by security forces, they left after a short demonstration. Eyewitnesses said that throughout the procession itself considerable effort was exerted by organizers to ensure that discipline was maintained.

The shooting took place five to ten minutes after the crowd had reached the cemetery. Some banners had been hung, people talked among themselves and a number shouted pro-independence slogans like "Viva Timor Leste!". At this point, a large contingent of armed soldiers arrived from two different directions. Eyewitnesses said that hundreds of soldiers, carrying M-16 automatic weapons and wearing brown uniforms, approached the cemetery on foot from one direction, while a smaller group - possibly of the paramilitary Police Mobile Brigade (Brimob) - arrived in trucks from another direction.

As the soldiers approached, there was considerable tension; people in the cemetery began spontaneously to move away from them in fear. According to eyewitnesses, the foot soldiers marched to the entrance of the cemetery, formed a line about 12 men abreast, then opened fire on the crowd. No warning was given. Some soldiers reportedly fired into the air but others levelled their weapons at the crowd. The walls of the cemetery and the large number of people made it difficult to escape, but the shooting continued even as people tried to flee. Some were believed to have been shot in the back while running away. The shooting stopped and resumed several times, suggesting that it was planned and deliberate, rather than a spontaneous reaction to provocation. An eyewitness said: "Looking down the road I saw body after body, and the soldiers kept firing at those who were still

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standing."

Estimates of the number killed vary widely. One eyewitnesses said that he saw "dozens and dozens" of bodies lying on the ground, but said that the shooting continued after he had left the area in a truck. Other sources have estimated the number of dead at between 50 and 180. An Indonesian military spokesman said initially that fewer than 100 had died, but on 14 November the government announced that "only 19" had been killed. Among those reported to have died of gun-shot wounds was a student from New Zealand, Kamal Bamadhaj. Witnesses said that officials of the International Committee for the Red Cross (ICRC) had taken him to hospital where he died of his wounds. Amnesty International has also learned the names of several others feared dead but it has been unable to clarify their fate. The military commander for East Timor told reporters on 14 November that the bodies of those killed had been buried immediately in unmarked graves in a deserted cemetery on the outskirts of Dili.

Dozens of people were said to have been beaten badly during the incident, among them two US journalists, Alan Nairn and Amy Goodman, who subsequently left the territory. Soldiers reportedly used their weapons to club people over the head and kicked them in the stomach with heavy military boots. Amy Goodman, who was beaten and kicked, described the soldiers' behaviour as "vicious" and unprovoked. She said that they screamed as they beat her: "Politics! Politics!". On 14 November the government acknowledged that 91 people had been injured. Independent sources said there were at least 89 people in hospital in Dili, suffering injuries from beatings or gunshot wounds. Unconfirmed reports said that as many as 14 people had died of their wounds in hospital.

Scores of people were believed to have been arrested in connection with the incident. Eyewitnesses said that the streets of Dili were deserted for much of the day, and that security forces were roaming the streets firing their weapons indiscriminately and carrying out arrests. Many of those arrested were believed to have been taken to the police headquarters in Dili (POLWIL), and a smaller number to the District Military Command (KODIM). There were fears that those detained might be at risk of ill-treatment or torture. One man who was released after questioning on 13 November said that 100 people were still held at the POLWIL and that many had been tortured or ill-treated in custody. The government has acknowledged the arrest of 42 people, while unofficial reports suggested that as many as 300 may have been detained.

The Government Response

Indonesian government and military authorities have formally expressed regret at the deaths at Santa Cruz and have promised to investigate the incident. However, in a series of public statements, beginning in the evening of 12 November, the authorities have appeared to try to justify the action of security forces, and to place responsibility for the massacre on opposition forces and the mourners themselves. Commenting on the incident, the Commander of Regional Military Command IX (KODAM IX/Udayana) which covers East Timor, said: "The authorities will never

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be in any doubt about taking tough action against abuse of our persuasive approach. The only order is: To kill or to be killed."

Government and military authorities have described the memorial procession as a "riot" of 2,000 to 3,000 people, and have claimed that the security forces fired their weapons when "the mob attacked them brutally". Military authorities also said that a number of guns, grenades, ammunition, banners and a Fretilin flag had been seized. One spokesman said that "security officers tried to disperse them in persuasive ways but they put up resistance and attacked the officers." On 14 November Armed Forces Commander, General Try Sutrisno, said: "We are a great nation which respects human rights. If there were victims in the Dili incident...it was because the security forces were forced to do so, not because of ignoring human rights". Apparently attempting to justify the killings, military authorities drew particular attention to the fact that one military officer, Major G. Lantara, a Deputy Battalion Commander, had been injured in the incident and was thought to have died. A military spokesman said: "You can imagine what the soldiers would do if they saw their commander die."

In the face of mounting evidence of military responsibility for the arbitrary killings, the official position began to change slightly, but the authorities continued to claim that the military action had been provoked by members of the procession. The Foreign Minister, Ali Alatas, who has worked hard to improve Indonesia's human rights image in recent years, expressed his regret at the loss of life. He stressed that the government had not ordered the massacre and did not condone it, but said that "the security forces had to take action." The military commander for East Timor, Brigadier General Warouw, suggested that the killings had been the result of "...a misunderstanding by the soldiers... they shot because of the tension."

An account provided by the Regional Military Commander for KODAM IX/Udayana was, in almost every respect, inconsistent with the body of independent evidence and eyewitness testimony. He claimed that the shooting began when security forces prevented the procession from going to see the UN Special Rapporteur on Torture at the Hotel Turismo, whereas all existing evidence indicates clearly that the killings took place at Santa Cruz cemetery, after the procession had ended. The Commander also claimed that a pistol had been fired and a grenade thrown by members of the crowd; and that the soldiers had begun to fire in response, although an officer had shouted "Don't Shoot". Then, according to this version of events, "...the crowd advanced and gave the troops no option but to fire into the crowd." These claims were at odds with the testimony of eyewitnesses, cited above, who said that the soldiers fired on the crowd without warning and continued to fire even as people tried to flee.

On 14 November, the Minister for Home Affairs, retired Admiral Sudomo, reiterated the government's promise to "investigate the incident in line with existing regulations and laws and will bring the culprits to court." However, in view of the fact that the government had blamed opposition forces for provoking the incident, it was not clear whether members of the security forces would be

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brought to justice. Moreover, Sudomo clarified that the investigation would be conducted by a team set up by the Commander of the Armed Forces, thus giving rise to further doubts about the likelihood of a thorough and impartial investigation.

Background

The incident at the cemetery in Dili occurred in the context of heightened tension surrounding a planned visit to East Timor by a delegation of Portuguese parliamentarians. The visit was postponed shortly before the delegation was scheduled to arrive in early November, amid reports of widespread intimidation of East Timorese pro-independence activists by Indonesian security forces. Sebastiao (Gomes) Rangel was one of two people reportedly killed on 28 October 1991 when Indonesian security forces opened fire in the compound of Motael Church, also in Dili. Military officials claimed the victims had died during a fight between pro-independence activists and "passers-by". Witnesses claimed that the "passers-by" were in fact military intelligence agents who had come to arrest the political activists. (See UA 357/91, ASA 21/18/91, 28 October 1991; and follow up ASA 21/19/91, 30 October 1991).

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory, including extrajudicial executions, torture and ill-treatment, "disappearance" and political imprisonment.

At least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions. A pattern of short-term detention, ill-treatment and torture of political detainees appears to have worsened in the last year. More than 400 people have been detained in East Timor since late 1988 for their alleged involvement in pro-independence political activities; at least 200 of them since early 1990. Many may be or may have been prisoners of conscience and many have reportedly been ill-treated or tortured in custody. Forms of torture have included beatings with iron bars, batons and fists, burning with lighted cigarettes, slashing with razor blades and immersion for long periods in fetid water.

Serious limitations remain on the reporting of human rights violations in East Timor in spite of the "opening" of the territory to tourism and commerce in January 1989. Those suspected of disseminating human rights information in East Timor and in Indonesia are closely watched by the authorities and have a well-founded fear that they may themselves become victims. Telephone and postal communications are monitored; contacts with foreign journalists and tourists or with international organizations like the International Committee of the Red Cross (ICRC) are treated with suspicion and are sometimes the subject of investigation by the intelligence authorities. While some foreign visitors have been able to travel with apparent freedom in certain parts of the territory, most continue to be subjected to close surveillance by military and police intelligence. Finally,

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notwithstanding government assurances that access to the territory is unrestricted, and in spite of repeated requests, Amnesty International has not yet been permitted to visit East Timor or Indonesia.

ANNEX II*

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EAST TIMOR

After the Massacre



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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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EAST TIMOR After the Massacre

Introduction¹

About 100 people were killed and scores were wounded when Indonesian security forces opened fire for several minutes on a group of mourners at Santa Cruz cemetery in Dili, East Timor on 12 November 1991. Dozens of others were badly beaten during the incident. The victims, many of them school students and other young people, were among an estimated 3,000 people who had gone to the grave of Sebastiao (Gomes) Rangel, a young man killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding.

At least 42 people, and possibly as many as 300, have subsequently been detained, and some have reportedly been tortured and killed in police and military custody. According to one report, between 60 and 80 detainees, including witnesses of the Santa Cruz massacre, were taken from various prisons in Dili on 15 November, driven to a spot several miles outside the town, shot and buried in unmarked graves. Dozens of East Timorese were reportedly detained for questioning in Jakarta, on 20 November, following a demonstration in which they called for a thorough investigation into the killings and a referendum on East Timor's political status.

Indonesian government and military authorities have expressed regret at the deaths and the government has established a National Investigation Commission to inquire into the incident. However, the authorities have attempted to justify the massacre by claiming that security forces used force only when attacked and provoked by "a brutal mob". Several eyewitnesses, including a delegate of the International Committee of the Red Cross (ICRC) and a number of foreign journalists, have stated categorically that the procession and graveside ceremony were peaceful and that the soldiers opened fire without warning and without provocation. Amnesty International has viewed film footage and photographs of the incident which corroborate their testimony.

Amnesty International is calling for a thorough, impartial investigation into the circumstances of the massacre at Santa Cruz, and of the alleged extrajudicial executions of 15 November. It is also seeking guarantees that those responsible for extrajudicial executions or for the ill-treatment of prisoners will be brought promptly to justice. It believes that investigations must be carried out by an independent body which has no link with the security forces allegedly responsible for the massacre. It also believes that any investigating body must include a team of trained forensic experts. The organization urges the Indonesian authorities to permit investigations to be carried out under the auspices of a recognized international body, such as the United Nations (UN) Special Rapporteur on Summary or Arbitrary Executions.

¹ This document provides further information on the killings at Santa Cruz cemetery, Dili, originally documented in an Amnesty International report, East Timor: The Santa Cruz Massacre (ASA 21/23/91), dated 14 November 1991, and on subsequent developments to 21 November 1991.

Amnesty International is also seriously concerned for the safety of those arrested during and after the Santa Cruz incident, as well as scores of suspected political activists arrested during the past year. It is urging that those detained solely for their non-violent political activities or beliefs be immediately released and that, following their release, their safety be guaranteed.

Update on the Santa Cruz Massacre

The testimony of several foreign eyewitnesses confirms earlier reports that the killing at Santa Cruz appeared to be organized and pre-meditated, and that the procession was peaceful.² There does not appear to be any substantial evidence to support the government's claim that the killing was provoked by a violent attack by demonstrators, or the existence of a riotous mob. In important respects, the accounts of military and government authorities are entirely at odds with the weight of eyewitness and circumstantial evidence.

Several eyewitnesses have explicitly refuted claims by the Indonesian military authorities that the soldiers opened fire in response to some threat or physical provocation, such as a gunshot. One said that *"...there was absolutely no physical provocation visible throughout the whole procession"*. Another said: *"It was a case of a planned and systematic massacre... This was a very disciplined operation. This was not a situation where you have some hothead who ran amok."* Film footage of the incident, viewed by Amnesty International, shows soldiers armed with automatic weapons moving confidently, almost casually, around the cemetery and its perimeter during the course of the shooting. It is evident from their demeanour that they are neither encountering nor expecting physical opposition of any sort. The film also confirms that the security forces opened fire several minutes after the procession reached the cemetery and not during a scuffle in front of the Governor's office as military authorities have alleged.

Describing how the shooting began, one eye-witness said: *...as soldiers leapt off the trucks they formed a line and jogged towards the people and without warning opened fire directly into the crowd indiscriminately killing all in their view...many were shot in the back.* Another said: *"As the soldiers turned the corner they raised their M-16s and began all at once firing into the crowd."*

The firing of automatic weapons reportedly continued for between two and three minutes without interruption, but then continued sporadically for some time. An eyewitness said that minutes after the shooting began he saw about 100 bodies lying on the ground, but he could not say how many were dead. Witnesses who had taken cover inside the cemetery said they saw soldiers beating those they found, including the wounded, with truncheons and the butts of their automatic weapons. One foreigner, discovered by soldiers while hiding in the cemetery, said:

² For a description of the massacre itself, see Amnesty International's East Timor: The Santa Cruz Massacre, (ASA 21/23/91), dated 14 November 1991.

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I left the crypt with at least 10 people bleeding profusely and several dead. All the way to the entrance to the cemetery I was confronted by soldiers brandishing knives and bayonets and thrusting them towards my face. I was kicked and beaten and had guns put to my head while they screamed at me.

Unofficial estimates of the number of people who died at Santa Cruz cemetery range from 50 to more than 200. Amnesty International has so far learned the names of more than 60 people feared to have died in the incident, or shortly thereafter (See Appendix I). The government claims that 19 people were killed and 91 injured in the incident.

Arrests

An estimated 300 people are reported to have been arrested following the Santa Cruz incident, although the government has only acknowledged holding 42 people. One person detained for questioning but later released said he counted 12 vehicles arrive at the police station in Dili, each carrying dozens of people, stripped to the waist and tied. There have been reports of the torture and killing of some detainees and there is serious concern for their safety. There is also concern for the safety of dozens of suspected political activists arrested during the past year, including at least 20 detained in the aftermath of the 28 October 1991 incident at the parish church of Motael, Dili, in which Sebastiao (Gomes) Rangel and one other man died.

Reports from Dili say that security forces and government backed vigilantes have detained dozens of people in house to house searches since the Santa Cruz incident. The whereabouts of many of those detained remain unclear, and relatives fear that they may have been killed. According to one report, three men from a single family and several other men from Bidau, Dili, were taken from their homes by security forces on or about 18 November, and have not been seen since. Arrests have also been reported from several places outside of Dili, including Baucau, Ainaro, Liquica and Lospalos, but the names of those detained are not yet known.

Military authorities have prevented relatives from visiting the wounded in hospital and those detained by the military and police. They have also prevented representatives of the ICRC from conducting independent and confidential visits to prisons and hospitals. An ICRC official said on 20 November that the conditions laid down by the military were unacceptable. *"We need to see the injured in the hospital, talk to them without witnesses... I cannot accept half steps. We have made many compromises but not any more."*

The Reported Killings of 15 November 1991

Amnesty International has received unconfirmed reports that between 60 and 80 more people were extrajudicially executed on 15 November, and their bodies buried in large unmarked graves outside of Dili. The reported killings occurred just two days after the Armed Forces Commander, General Try

Sutrisno, called for the "trouble-makers" in East Timor to be shot. Those killed are said to have included witnesses to the 12 November incident as well as suspected or known political activists, arrested at the time of the incident and in house to house searches in the following days. According to reports, they were taken in military trucks from various prisons in Dili to a place on the outskirts of town. Before being loaded onto the trucks, the prisoners were reportedly made to strip naked; they were blindfolded and their hands were tied behind their backs. They were reportedly taken to the edge of newly-dug ditches and shot with automatic weapons. The troops responsible were said to have been members of the 700th and 744 Battalions of the Hasanuddin Division, based in South Sulawesi.

An eyewitness said that he would provide further details before a UN fact-finding delegation only if his safety could be guaranteed. A foreigner in Dili on 15 November said that, at about 11:45 am on that morning, he heard "... a volley of automatic rifle fire that resounded right through the valley which lasted approximately 45 seconds....", followed by sporadic fire for about 30 seconds. A number of people in Dili reported independently that they had seen between two and four trucks, each carrying dozens of people, leaving town earlier that morning. One claimed to have seen a large pit, about 6 feet deep and measuring about 25 feet by 30 feet, in which it was said the dead were buried.

Unlike the massacre at Santa Cruz, the alleged killings of 15 November were not directly witnessed by foreigners and there are no photographs or films of the event. The sole eyewitness to the event is unwilling to testify for fear of reprisals from the security forces. This has led to some confusion about whether the killings took place; an Indonesian military spokesman has called the report "a big lie". In Amnesty International's view, the lack of certainty in this case serves to highlight the importance of conducting prompt, independent and impartial investigations.

Protesters Arrested in Jakarta

Dozens of East Timorese demonstrating peacefully in Jakarta on 19 November, one week after the Santa Cruz killings, were detained by security forces. Military authorities initially denied that any had been detained, but unofficial sources said that at least 35 people had been held at the Central Jakarta Police Station. The local media reported that five East Timorese remained in custody on 21 November, but their names were not known. Amnesty International has learned the names of 13 said to have been held for questioning. In the absence of any information about the whereabouts of those detained, it remains concerned for their safety. The organization is also concerned that some may be charged for their peaceful political activities and beliefs.

The demonstrators went first to the office of the United Nations Information Office on Jalan Thamrin. Unable to enter the premises to present a statement addressed to the UN Secretary General, they instead read it aloud outside the gate. With banners and signs calling for a referendum on East Timor's political future and for inquiries into the massacre at Santa Cruz, they proceeded to the Embassies of Japan and Australia nearby. As they regrouped near the Hotel Indonesia, members of the riot police (SABHARA) moved in to disperse them and journalists were ordered to leave the vicinity. The demonstrators began to flee, but were chased by police who beat them with truncheons and loaded them

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onto three waiting vehicles. Two foreign journalists at the scene were taken aside by security forces and questioned about their links to the demonstrators before being released.

The next day, 20 November 1991, three Jakarta-based human rights activists were detained briefly by the security forces, apparently for their alleged involvement in the demonstration. Haji Poncke Princen, Director of the Institute for the Defence of Human Rights (LPHAM), Indro Tjahjono of the human rights organization "Infight" and one other were reportedly held for questioning at the office of the military intelligence body (BAKORSTANAS) for several hours. Haji Princen was one of a group of human rights activists and lawyers who had planned to travel to Dili on the same day in order to conduct independent investigations into the Santa Cruz massacre.

The Government and Military Response: An Update

The government has announced the formation of a seven-member National Investigation Commission to inquire into the killings. In a press statement on 19 November, the government said that the Commission was to be headed by a Supreme Court Judge and would have representatives from: the Departments of Home Affairs, Foreign Affairs, and Justice, and also from the Armed Forces Headquarters, the President's Supreme Advisory Council and the Parliament (People's Representative Assembly, DPR).³ The government said that the Commission would be "...free to carry out their tasks so that it could really find out what was actually going on during the incident...". However, no details of the Commission's terms of reference were made public. Military authorities indicated that an internal investigation would be headed by the Deputy Chief of Strategic Intelligence, Major General Arie Sudewo, but no further details were made available.

Amnesty International is concerned that the government's National Investigation Commission and the military's investigation team may lack the necessary independence, credibility and forensic expertise to conduct a proper inquiry.

Restrictions which military authorities have placed on access to the wounded and those imprisoned, and their refusal to release the names of those killed, wounded and imprisoned, reinforce doubts that the Commission's investigations will be thorough and impartial and that it will result in the perpetrators being brought to justice. Military authorities have continued to claim that "only 19" people died at Santa Cruz and have hindered efforts to establish an accurate account of the number and the identity of those killed. They have admitted that the bodies of many who died at Santa Cruz were

³ According to the official press agency, the Commission will be comprised of: Supreme Court Judge Muhammad Jaelani SH; Clementino dos Reis D'amaral, a member of the DPR; Bin Mang Reng Say, Deputy Chair of the Supreme Advisory Council; Hari Sugiman, Director General of Socio-Political Affairs in the Ministry of the Interior; Hadi Wayarabi, Director General of International Organizations in the Ministry of Foreign Affairs; Anton Suyata, Inspector General in the Department of Justice, and Rear Admiral Sumitro, Inspector General of the Armed Forces.

immediately buried at an abandoned graveyard outside of Dili. The hasty disposal of the bodies has precluded the performance of proper post-mortem examinations or forensic tests. It has also prevented families from identifying the deceased and burying them according to their traditions or religious beliefs.

Military authorities have also indicated their intention to restrict the access of outside observers and investigators. Brigadier General Warouw said on 20 November that observers would be allowed to visit the wounded at the military hospital but that they "...will not be able to talk to them until our interrogations are over because the sight of foreigners could make them start talking about wild rumours." On 21 November, he told a journalist that the time was "not yet right" for the ICRC and other observers to visit the wounded.

The statements of military and government authorities since the Santa Cruz massacre have also raised very serious questions about the government's sincerity in conducting prompt, thorough and impartial investigations and about the likelihood that the perpetrators will be brought to justice. While they have formally expressed regret at the loss of life at Santa Cruz, military and government authorities have attempted to evade responsibility for the killings. They have accused political activists associated with the nationalist movement Fretilin of provoking the incident, and have claimed that soldiers fired as a result of a misunderstood order.

In a press release, dated 14 November, the government said: *"The police, who had made great efforts to pacify the crowd, were then attacked, and this resulted in some of the police being seriously injured...In order to disperse the demonstrators, the police inevitably had to use force which caused a number of deaths."* In a separate statement released to the press at about the same time, the Commander of Regional Military Command IX/Udayana, which covers East Timor, referred to the mourners as *"the mob involved in the riot"*. He said that the security forces had *"...failed in their persuasive efforts in dispersing the furious masses..."* and had been *"...compelled to defend themselves and to control the situation by firm actions."* He specified that the actions of the soldiers were *"In accordance with the standing procedure"*.

One day after the Santa Cruz killings, the Commander of the Armed Forces reportedly called explicitly for political opponents of Indonesian rule in East Timor to be "shot". Speaking at a seminar of the Association of Graduates the National Defence Institute (LEMHANAS) on 13 November, General Try Sutrisno said that people in the procession had *"spread chaos"* by unfurling posters with slogans discrediting the government, and by shouting *"many unacceptable things"*. In response, he said, the soldiers had fired shots into the air, *"but they persisted with their misdeeds... In the end, they had to be shot. These ill-bred people have to be shot... and we will shoot them."*

The military Commander for East Timor, Brigadier General Warouw, acknowledged on 20 November that his troops had fired their weapons into the crowd of mourners for between 5 and 10 minutes, but he denied that this was excessive.

Military authorities have reacted angrily to international expressions of concern over the human rights situation in East Timor. General Try Sutrisno said: *"This is an internal affair and their should be*

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no meddling. If anyone wants to talk about human rights, Indonesia has had them since time immemorial. That's why you should study Pancasila [the state ideology]." On 21 November, according to the official news agency, he said: *"We will not accept any foreign interference".*

Members of the government have also resisted allegations of official wrong-doing. The Foreign Minister, Ali Alatas, and other Ministers have condemned the foreign media for *"biased"* reports of the incident. Minister Alatas has expressed *"deep regret"* at the deaths of the mourners, but has emphasized that soldiers had to respond with firm action when an unruly procession developed into a rioting mob. He said: *"It would have been senseless for the security forces to shoot people at will."*

A handful of Indonesian parliamentarians have called for full inquiries into the incident, but the DPR has no authority to bring the government or the military to account. House Speaker Kharis Suhud said he would ask for an explanation from General Try Sutrisno: *"I don't want to blame anybody but I want to know exactly what happened there."* The Commander of the Armed Forces was scheduled to testify before the House on 21 November, but his appearance was postponed until 29 November.

Background

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory. A pattern of short-term detention, ill-treatment and torture of political detainees in East Timor has worsened in the last year. More than 400 people have been detained since late 1988 for their alleged involvement in pro-independence political activities; at least 200 of them since early 1990. Many may be or may have been prisoners of conscience and many have reportedly been ill-treated or tortured in custody. At least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions, and there are hundreds of unresolved cases of "disappearance".

Serious limitations remain on the reporting of human rights violations in East Timor in spite of the "opening" of the territory to tourism and commerce in January 1989. Those suspected of disseminating human rights information in East Timor and in Indonesia are closely watched by the authorities and have a well-founded fear that they may themselves become victims. Notwithstanding government assurances that access to the territory is unrestricted, and in spite of repeated requests, Amnesty International has not yet been permitted to visit East Timor or Indonesia.

APPENDIX I - List of people reportedly killed, missing or wounded in connection with the incident at Santa Cruz Cemetery, Dili, East Timor, 12 November 1991

NAME	PERSONAL DETAILS	CONCERN & COMMENTARY
Agapito de Deus	19 yrs; student	Missing after incident, feared dead
Agio (Pelaço) dos Santos	16 (197) yrs	Wounded
Agostinho Tilman Fernandes	18 yrs; high school student	Killed
Aliço dos Santos		Wounded
Afonso	18 yrs; high school student	Killed
Amelia	17 yrs; high school student	Killed
Ana Romana Freitas	25 yrs; unemployed	Killed
André Soares	21 yrs; high school student	Killed
Aneta	15 yrs; junior high school student	Killed
António Clara Filipe Alves	21 yrs	Killed
Aristides dos Santos	19 yrs; high school student	Killed
Armando de Assis		Missing after incident, feared dead
Aviano António Faria	18 yrs; high school student	Killed
Basilio Moniz	50+ yrs	Missing after arrest
Beonísio Aires		Missing after incident, feared dead
Bernardino Mendes	22 yrs	Wounded
Clementino Faria (Matos)		Missing after incident, feared dead
Crescencio Henriques Cabral	29 yrs; worker in the Department of Information	Wounded
Custódia Benevides	15 yrs; high school student	Killed
Dionísio dos Santos		Killed
Dionísio Alves (Nini)		Missing after incident, feared dead

NAME	PERSONAL DETAILS	CONCERN & COMMENTARY
Domingos dos Santos	21 yrs; high school student	Killed
Domingos	18 yrs; high school student	Killed
Domingos	10 yrs	Killed
Domingos Figurado	27 yrs; teacher	Killed
Dos Reis		killed
Duarte Acolito		Killed
Duarte (or Eduardo) da Silva	22 yrs; Loroana University student and footballer	Killed
Elidio Amaral	25 (20?) yrs; student	Killed
Emilio Araujo	21 yrs	Wounded
Emilio Roberto	High school student	Killed
Eulalia Araujo	17 yrs; high school student	Killed
Fabião da Silva		Missing after incident, feared dead
Felipe	24 yrs; university student	Killed
Francis da Silva	18 yrs; resident of Dili	Killed
Francisco Laga	21 yrs	Killed
Francisco da Silva	20 yrs; high school student	Killed
Francisco Carlos (Abonno)	22 yrs; polytechnic student	Killed
Fredy da Costa	17 yrs; high school student	Killed
Germano da Silva	35 (36?) yrs	Missing after arrest
Gregório	25 yrs; jobless	Missing after incident, feared dead
Hacobio	17 yrs; student	Killed
Isabel	Student	Wounded

NAME	PERSONAL DETAILS	CONCERN & COMMENTARY
Miki Neves Reis	18 yrs; high school student	Killed
Milton Longuinhas	16 yrs; high school student	Killed
Nelie Santo Ximenes	Student	Wounded
Nunu	28 yrs	Killed
Paula	17 yrs; high school student	Killed
Paulo Freitas	18 yrs; student	Killed
Porfirio da Costa	24 yrs	Killed
Procopio Rego	20 yrs; student	Killed
R. Pereira		Missing after incident, feared dead
Rafael Tilman Fernandes	20 yrs; high school student	Killed
Recobio	17 yrs; student	Killed
Ricardo Alves	16 yrs; student	Wounded
Simplicio de Deus		Killed
Tomas Dias Ximenes	Student	Missing after incident, feared dead
Ulises Gonçalves	21 yrs; high school student	Killed
Varudo		Killed
Vicente Paulo Madeira		Missing after incident, feared dead
Vincente Binaraga		Killed



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Agenda item 98 (b)
HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR
IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS

SECURITY COUNCIL
Forty-sixth year

Letter dated 27 November 1991 from the Permanent
Representative of the Sudan to the United Nations
addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a letter received by the Ambassador of the Republic of the Sudan to Iraq from Mr. Mustafa Mohamed Saeed, a Sudanese national, regarding injuries and abuse he suffered while living and working in Kuwait during the Gulf War.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 98 (b), and of the Security Council.

(Signed) Joseph LAGU
Permanent Representative

ANNEX

Letter dated 25 June 1991 from Mr. Mustafa Mohamed Saeed
addressed to the Ambassador of the Sudan to Iraq

I the Sudanese citizen Mustafa Mohamed Saeed al-Hajj Tum, resident in Kuwait for 12 years, from 1977 to 1991, was in Kuwait on the day when the Iraqi troops withdrew, in an automobile repair workshop and spare parts store under the sponsorship of the Muttahidah Mechanics Company in Shuwaikh, whose proprietor was my sponsor, Awad Hamud Munir. I worked all through the period of the recent events and the war in Kuwait. After the Iraqi withdrawal and the return of Kuwait to the Kuwaiti authorities, some armed Kuwaitis of the so-called "resistance" came to my house and took me to the Rabiya area guard post on 27 February 1991. The persons who took me to the guard post were 1st Lieutenant Fawaz al-Azimi and Nawaf al-Azimi, whose rank I do not know. With them were two other persons in a car whose names I do not know. They searched the house on the pretext that I belong to Iraqi Intelligence, and they wanted me to hand over the weapons that they alleged to be in my possession. When they found nothing, they took a small Samsonite case on the grounds that it contained the alleged weapons, whereas the case contained papers and documents and sums of money consisting of 35,000 Iraqi dinars, as well as 11,000 United States dollars and 1,700 Kuwaiti dinars. Following my arrival at the guard post, the torture, maltreatment, and personal humiliation began. They called us "Sudanese traitors". All this took place before a gathering of Kuwaiti citizens assembled in front of the guard post. Then I was placed in the holding cell, and with that began another kind of more repugnant and quite merciless torture. I was kicked and beaten with rifle-butts and sometimes with sticks and was placed in the bathroom for four days. I was brought out every two hours for more beating. Particularly when a soldier came who had not yet beaten me, he would beat and humiliate me. When Nawaf al-Azimi came, he would take me to a room, blindfolded and with my hands handcuffed behind me. Then he would begin to beat me and humiliate me and would demand that I write a renunciation of all my property in Kuwait and my will and testament, because I would be executed shortly. On the fifth day, I was transferred to the Aridiyah police post, and there parts of my body were burnt and cauterized with a hot iron. I was deprived of food and drink and placed in an isolation cell for three days. Then another accusation was launched against me, namely the rape of five Kuwaiti girls. Then I was moved to another jail in the Umri area. There were approximately 750 prisoners there of various nationalities, Sudanese and others. I met some of the Sudanese who had been with me at the Rabiya guard post, and they were very happy to see me, because they had believed that I had been executed. Nawaf al-Azimi had told them so. From the Umri area jail, which consisted of a school, I was moved to Human Resources Centre jail at Military Intelligence Headquarters inside the Human Resources Camp. There I was interrogated by 1st Lieutenant Jasim. He mentioned to me the names of some Sudanese and wanted to know my relations with them. He said that they were working with the Iraqi Army. I did not know them, and I told him so and said that I had been residing in Kuwait for 12 years and had employment and interests there.

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Then he mentioned to me the names of some Sudanese working with the Kuwaiti Army. I knew one of them, namely, Abu Bakr Sa'id, who worked as an instructor for Kuwaiti Intelligence and might have taught him before he graduated as an officer. The interrogating officer knew him well. Then he said to me: "Mustafa, there is no charge of raping Kuwaiti girls against you. The investigation was conducted in order to ascertain that you were not collaborating with Iraqi Intelligence. God willing, all is well". I was detained for two more days, and on the third day I was moved to 15th Brigade military jail. When I arrived, some others were with me, and we got down from the truck one after the other. Those who were to be executed were separated from the rest. They had their files with them, and on mine was a red X-sign. They usually destroyed and burned the files of those who were to be executed, and no use was made of all papers and documents, such as passports, that proved that they had a prisoner named such and such, who had been executed. Then I was detained in an isolation cell; one of the ones they called death cells. A 16-year-old youth was with me, in order to fill the cells, and he died in the cell from the severe torture to which he had been subjected. His body was removed from the cell on the second day after it had swollen up. At the same time, I was taken from the cell, and we were placed in the sun. There were others. The beating began, and sandbags were placed on our chests and our backs. That continued until sunset. Then an officer came who believed, according to what he said, that we were some of the new prisoners. He gave an order to the soldiers to put me and another Sudanese named Abd al-Mun'im in an enclosure where there were some 100 Sudanese, and the same was done to other nationalities, i.e., they were placed by nationality. He did not know that we were condemned to death and in the cells. It was a stroke of fate and the will of God. When I was placed with all this group, I was in a lamentable state. My right forearm was swollen and dripping blood and pus because of the torture and the pressure of the handcuffs on my wrist. Four days after I was placed in this enclosure with no food or drink, my condition deteriorated further, and when a Kuwaiti "military" doctor and an Egyptian "military" nurse came, I was released and moved to the hospital, at the request of the Kuwaiti doctor. He did not know that I was one of those condemned to death, and the Egyptian nurse remonstrated and said: "He can be washed and cleaned up and take treatments. There is no need to move him to the hospital." The Kuwaiti doctor insisted on taking me to the hospital, together with three others, Palestinians. When a Kuwaiti officer asked the doctor why he was moving me to the hospital, the Kuwaiti doctor told him that the Red Cross had discovered the locations of the jails and was on its way there. "And when it discovers what the conditions are like, it will cause us many problems." Accordingly, I was moved to the hospital in a large open pick-up truck, blindfolded and handcuffed, accompanied by a guard, to the hospital known as Addan Hospital, which refused to admit me, then to the Mubarak al-Kabir Hospital which refused to admit me, then to the Al-Sabah Hospital, which also refused to admit me, and lastly, to the Farwaniyah Hospital, where I was admitted. When the doctor asked me my name so that he could record it in the file, the officer who brought us, whose name was Al-Shatti, placed his revolver on my head and said: "I warn you against mentioning your name to any person whatsoever as long as you are in the hospital". At this point the doctor came in to find out my name. He was of

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Egyptian nationality, and the Kuwaiti officer took him aside and spoke with him. When the Egyptian doctor returned, he did not ask my name again. Thus, I became patient No. 2 in wing No. 18, room No. 7, bed No. 2. The doctors decided to take skin from my thigh to be grafted on my right hand, and I was put in the intensive care room for four days. Then the chief specialist came. He was an Egyptian doctor named Dr. Abu Jabal. He said: "Prepare yourself for the operation". A young Palestinian surgeon was with him. The time for the operation came, but God so willed it that there was no oxygen available at that time, and the operation was postponed until oxygen was available. A Tunisian nurse named Mohammad ibn Sha'ban came to me and advised me not to have the operation because of the inefficiency of the hospital medical equipment, "no sterilization of the instruments - widespread tetanus", although it seemed better for my condition to extend my stay in hospital so as not to return to the jail and the torture. After approximately 11 days from my admission to hospital, a group from the Red Cross came and were surprised at the lists which they had with them, which they had received from the Prison Administration. It clarified the question for them, and I was a nameless prisoner and patient in the hospital. Each time they came to the hospital, they recorded a visit to me and then produced a Red Cross card for me and gave it to me in the hospital. Some Kuwaiti officers and soldiers used to come to the hospital and torture the patients in the hospital on the pretext of interrogating them. They avoided me once they learnt from the guards there that I had spoken more than once with the Red Cross representatives in English. Those officers and soldiers took some patients away from the hospital, and they did not return thereafter. I stayed in the hospital for 27 days. When the doctor learnt that the wound on my right hand had begun to heal and that there was no need for an operation, he decided to discharge me from the hospital. I asked the Red Cross representatives to extend my hospital stay, and they explained to me that the situation in the jail was not as it had been at first and that there was care, food and drink. Then I moved to the Juvenile Prison in the Aridiyah area. Those persons or prisoners whose names were on the lists, who numbered 650, were separated from the 80 or so other prisoners, whose names were put on the list. I was one of them. Interrogation began with the prisoners whose names were on the lists, and those whose names were not there were placed in the suspects' section. I was in this section. A young Kuwaiti soldier in his twenties named Na'man used to come to the suspects' section, and when he came all the prisoners in the section were required to stand. He would then ask: "What is my name?" And all would reply with one voice: "Mr. Na'man, may God be pleased with him". Anyone who objected was subjected to violent beatings. There was also a lieutenant named Hajjaj, who used to gather together the prisoners at night in one place. They would then stand in a line and one by one give him a military salute and kiss his shoulder. Those who did not salute properly he ordered beaten. After the end of this drama, another more humiliating one would commence. He would order the prison trusty, a "cooperating prisoner", to choose six "wives" from the prisoners, and when they were chosen, the officer in charge would order them to tie towels around their waists and pass through the whole jail all shouting at the top of their voice "I am Hajjaj's wife No. 1" or "No. 2" and so on up to No. 6. When the "wife" prisoner refused to do this, he was beaten violently until he fainted. One day, one of the

Sudanese prisoners, named Bashir Hasan Hamid, known as Bashir Wudd al-Arbaji, refused to give the military salute to the officer Hajjaj, and the soldiers beat him. Bashir complained of officer Hajjaj to the prison director, who held the rank of major. When the major knew of that, he conducted an interrogation of the officer. On the second day, three soldiers came and made all the prisoners come down to the ground floor and they beat Bashir Wudd al-Arbaji until he fainted, and he defecated and urinated on himself, all in front of our eyes. When the soldiers realized that Bashir was in a grave condition, they took him and said they were taking him to the hospital. We were not sure about that. When the representatives of the Red Cross came, we told them that a colleague of ours named Bashir had been beaten by the soldiers, that they had taken him, as they said, to the hospital and that we wished to know whether he was actually there. The following day, the representatives of the Red Cross came and assured us that he was indeed in the hospital and that they would keep an eye on his condition. He remained in the hospital for three weeks. The soldiers then began to humiliate us. They called us "slaves" and insulted the Sudanese President, Omer El Bashir. The prison was then handed over to the office of the public prosecutor for another investigation to be carried out. The prosecutor sent for me and asked me on what charge I was being held, and I answered that I did not know. I did not tell him what had happened and the story about it because, as they believed, I had been executed and my identification documents subsequently destroyed. If they had known my story, they would have brought me before the court on the same charges as before. If the officer had known those who had tortured me, Fawaz and Nawaf, then it would have been even worse. The main point is that the prosecutor told me that there was no file on me and ordered my return to the cell. Three days later, the prosecutor sent for me again. He said to me: "There is no charge against you and, God willing, you will be set free". After I came out, with the permission of the prosecutor, one of the soldiers said to me, "Congratulations, you're free". I was then handed over to the deportation section. Torture also went on in the deportation prison, but to a lesser extent than before. We remained in the deportation prison for 16 days. When our turn came, they called out our names and told us that we would be leaving within two hours, and they gave us two hours to fetch our passports and belongings. They put us in a military vehicle under guard. There was nothing I could do but accept the situation. I was completely exhausted from the effects of the torture and from hunger and thirst. I felt a sharp pain in my ribs (two of them are broken). We arrived at the Rabiya police station and I asked about my case, my passport and my money. The officer asked me: "How long is it since you have been here?" I answered: "Three months". He said to me: "Three months ago the Army was here and the resistance was here. We took over from them 20 days ago, and there was nothing deposited, no passports or anything else". We went to Aridiyah, and there we heard the same thing. We returned to the deportation section on the same day, and then we were deported to Iraq. The Red Cross received us at the border, the Iraqi authorities took delivery of us, and they set us free. That was on 17 June 1991 or thereabouts.

By writing to you in such detail, I have sought to convey to you a vivid picture of the treatment meted out in Kuwait to Sudanese and to persons of

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other nationalities. The abuse and humiliation of Sudanese is continuing, both by the Government and by the people. We were often called "slaves" and "traitors". The treatment of Sudanese by Kuwaiti citizens and by the Kuwaiti Government has become extremely bad. The standing of the Sudanese is not as it was before. The jails are full of detainees, among whom are large numbers of Sudanese in the juvenile prison and the deportation prison, and there are others in the police stations. The names of most of them are registered with the Red Cross. You will not find with the Red Cross or at the police stations and jails the names of those who were executed or those who died under torture because their files and all of their identification documents were destroyed with them. I should say that most of the Sudanese who are not now in jail will be imprisoned by the Kuwaitis on any charge whatever so that they can get rid of them and deport them from Kuwait. If the jails and police stations had not been full, they would have been there with us.

I, Mustafa Mohamed Saeed, a Sudanese national, worked in Kuwait for 12 years, and I own an automobile repair shop, a spare parts store and a fully furnished home there. Through you and through the Ministry of Foreign Affairs, I demand from those who believe that I am among the dead, may their fortune miscarry the following:

1. Compensation for all the damages I have suffered and for my property in Kuwait. (They tortured me and beat me, and they said to me: "You are going to die, so you must renounce your property to us in writing". They killed several in front of me, saying my lot would be the same. But I did not break, because I thought: "If it is a question of death, then it is death, so why do so?")
2. Return of the case and the money (since the passport has certainly been destroyed) that they took from me at the guard post in the Rabiya area on the first day of my imprisonment on 27 February 1991. Those who took me to the guard post then were 1st Lieutenant Fawaz al-Azimi and Nawaf al-Azimi (whose rank I do not know).

I earnestly alert your attention to the situation of Sudanese in Kuwaiti jails and detention centres and to the need to gain access to them before time runs out. I earnestly alert your attention to those outside the prisons who are subjected to such conditions. I affirm the truth of all the information contained in this letter and my full responsibility for everything stated herein.
